

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE OPTICAL DISK DRIVE
PRODUCTS ANTITRUST LITIGATION

Case No. 10-md-02143-RS
MDL No. 2143

This document relates to: ALL INDIRECT
PURCHASER ACTIONS

**ORDER RE SECOND ROUND
DISTRIBUTION**

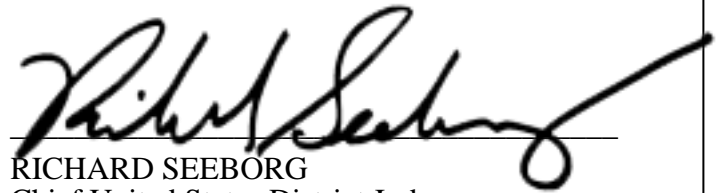
The order approving the distribution plan entered April 7, 2022, provided that following the second distribution, “Any remaining funds will be distributed to the Attorneys General for the Class jurisdictions for use in prosecuting consumer antitrust claims.” (Dkt. No. 3089.) Class counsel has now submitted a proposed order stating a deadline for, “Escheatment of remaining funds to State Attorney General of California.” (Dkt. No. 3114)

It appears the term “escheatment” may have been used inadvertently. The notion of the April 7, 2022, order was that the funds would go to state attorney generals (in all the relevant jurisdictions) for use in prosecuting consumer antitrust actions, i.e., a distribution in the nature of *cy pres*, not an escheatment to the states for use in their general funds. (California does not even have a mechanism for escheatment in the common law sense. Rather, the Controller’s Office

merely holds “Unclaimed Property” in perpetuity for any legitimate claimants that may appear.)
At this juncture, the proposed order will be entered with the provision for final disposition of the
remaining funds deleted. Class counsel shall make a new proposal, consistent with the general
intent of the April 7, 2022, order when specific information as to the amount at issue is available.

IT IS SO ORDERED.

Dated: September 30, 2022



RICHARD SEEBORG
Chief United States District Judge

United States District Court
Northern District of California